

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
AT CINCINNATI

2018 SEP 21 PM 12:17

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VINCENT LUCAS

Plaintiff,

v.

Case No.: 1:18CV664

JASJIT GOTRA, ET. AL.

Defendant.

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MJ BOWMAN

NOTICE OF REMOVAL

Defendant Jasjit Gotra ("Gotra"), representing himself pro se, submits the following Notice of Removal based on federal question and diversity jurisdiction. In support of this removal, Gotra states as follows:

1. On or about August 9, 2018, Vincent Lucas ("Plaintiff") commenced this civil action by filing a complaint in the Court of Common Pleas of Clermont County, Ohio, styled Vincent Lucas v. Jasjit Gotra, et. al., Case No. 2018 CVC 00696 ("Civil Action").

2. Copies of the Summons and Complaint in the Civil Action were served on the Gotra on August 23, 2018.

3. Removal is timely pursuant to 28 U.S.C. § 1446(b), as this Notice of Removal is filed within thirty (30) days of receipt of the Complaint.

4. This Court has original jurisdiction over the Civil Action pursuant to 28 U.S.C. § 1331 and the Civil Action may be removed to this Court pursuant to 28 U.S.C. § 1441. This Court has original jurisdiction under 28 U.S.C. § 1331, federal question, in that the Complaint alleges claims under the Telephone Consumer Protection Act ("TCPA") 47 U.S.C. § 227 *et seq* and the Federal Credit Reporting Act ("FCRA") 15 U.S.C. § 1681b. Therefore, these claims of

the complaint “arise under the Constitution, laws or treaties of the United States.” 28 U.S.C. § 1331.

5. The claims under the TCPA and FCRA arise under the laws of the United States; therefore this Court has original jurisdiction over that claim.

6. Under 28 U.S.C. § 1367 this Court has supplemental jurisdiction over other State claims including those alleged under the Ohio Telephone Solicitation Act (“OTSA”) Ohio Rev. Code 4719.02 and under the Ohio Consumer Sales Practices Act (“OCSPA”) Ohio Rev. Code § 1345. Supplemental jurisdiction allows this Court to hear the claims that are a part of the same “case or controversy” as a claim which this Court has original jurisdiction over. 28 U.S.C. § 1367. The TCPA and FCRA counts provide this Court original jurisdiction, and the OTSA and OCSPA counts are a part of the same “case and controversy.” *Id.*

7. The OTSA and OCSPA counts are a part of the same “case and controversy” as the TCPA and FCRA counts; therefore, this Court has supplemental jurisdiction over these claims.

8. This Court has original jurisdiction over the Civil Action pursuant to 28 U.S.C. § 1332 and the Civil Action may be removed to this Court pursuant to 28 U.S.C. § 1441. This Court has original jurisdiction under 28 U.S.C. § 1332(a), diversity of citizenship, in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

9. Defendant Gotra is a Rhode Island resident residing at 375 Shippee Road East Greenwich, RI 02818.

10. Plaintiff alleges that he resides in Ohio.

11. Plaintiff is a citizen of the State of Ohio; Gotra is a citizen of the State of Rhode Island in Rhode Island; therefore, there is diversity of citizenship for removal jurisdiction purposes.

12. Title 28 U.S.C. § 1332(a) requires that the amount in controversy in diversity actions exceed \$75,000, exclusive of interests and costs. To demonstrate that the jurisdictional amount has been met, a removing party must establish only that it is more likely than not that the amount in controversy exceeds \$75,000. See McCoy v. Erie Ins. Co., 147 F. Supp. 2d 481, 489 (S.D.W. Va. 2001).

13. Plaintiff's Complaint does not specify the amount of actual damages that Plaintiff seeks. However, Gotra does not need to rely on these unspecified actual damages to show that the \$75,000 amount in controversy threshold is met.

14. The \$75,000 amount in controversy threshold is met in this Civil Action because the Plaintiff claims damages that stem from the *Telephone Consumer Protection Act*, 47 U.S.C. § 227 *et seq.* The Plaintiff claims that he received fifty-one telemarketing calls. The *Telephone Consumer Protection Act* provides a remedy of \$500 per phone call within a twelve-month span if it is in violation of the statute, and a violation of \$1,500 per call in the event that the call was made willfully, a claim which the Plaintiff makes repeatedly throughout the Complaint. The Plaintiff also claims a remedy of \$200 per call for the State claims. In addition, the Plaintiff requests other unspecified damages, including punitive damages. The Plaintiff's claims, if proven, would exceed the minimum amount required for removal based on 28 U.S.C. § 1332.

15. Accordingly, this Court has diversity jurisdiction over this Civil Action because the parties are diverse and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

16. This Court is the District Court embracing Clermont County, Ohio, where the Civil Action is currently pending.

17. A copy of the docket sheet and copies of the Complaint and Summonses are attached, as Exhibit A, and constitute the only process, pleadings, or orders which have been served upon Defendant Gotra in this action.

18. True and correct copies of this Notice of Removal with accompanying exhibits and a Notice of Removal of this Civil Action to Federal Court directed to the Court of Common Pleas of Clermont County, Ohio County (attached hereto as Exhibit B) are being mailed to Plaintiff and filed with the Clerk of that court, in accordance with the provisions of 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Gotra files this Notice of Removal so that the entire state-court action under Civil Action No. 2018 CVC 00696 now pending in the Court of Common Pleas of Clermont County, Ohio, shall be removed to this Court for all further proceedings.

By Jasjit Gotra (PRO SE)

/s/ 
Jasjit Gotra
375 Shippee Rd
East Greenwich, RI 02818
jgotra@alliancesecurity.com

**IN THE UNITED STATES DISTRICT COURT
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AT CINCINNATI**

VINCENT LUCAS

Plaintiff,

v.

Case No.: _____

JASJIT GOTRA, ET. AL.

Defendant.

CERTIFICATE OF SERVICE

I, Jasjit Gotra, hereby certify that on this 20th day of September, 2018, I mailed a copy of the Notice of Removal to the Plaintiff, Vincent Lucas at the following address:

Vincent Lucas
PO Box 272
Amelia, OH 45102

By Jasjit Gotra (PRO SE)

/s/ 

Jasjit Gotra
375 Shippee Rd
East Greenwich, RI 02818
jgotra@alliancesecurity.com